

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-30020-MAP
)	
MARIO ESPINO,)	
Defendant)	
_____)	

MOTION TO COMPEL DISCLOSURE OF UNINDICTED CO-CONSPIRATORS
AND ANY OTHER UNNAMED COOPERATING WITNESSES

The defendant moves pursuant to Local Rule 116.1(C)(e) & (f), and 116.2 that this court compel the government to disclose the names of any unindicted co-conspirators and any other unnamed cooperating witnesses who attempted to make an identification of him.

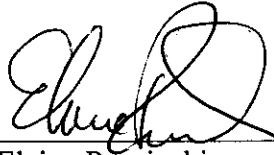
The defendant states the following reasons:

1. His attorney requested information regarding the identification of him as the alleged perpetrator. In its response dated August 3, 2004 the government stated that "two cooperating witnesses who were shown photo arrays containing your client's photograph failed to identify your client." The government has failed to identify these two individuals. The information is potentially exculpatory.
2. In its response, the government further stated that it had "no reason to believe that either of those two witnesses [who failed to identify the defendant] knew your client or that either of them was a percipient witness to any of the offenses alleged in the indictment." The defendant should not have to rely on the government's 'belief' that these individuals are not witnesses and

that the information is not exculpatory.

3. One of the primary issues in this matter is the identification of the defendant as the perpetrator of the offenses alleged in the indictments.

Mario Espino
By his attorney,

A handwritten signature in black ink, appearing to read 'Elaine Pourinski', written over a horizontal line.

Elaine Pourinski
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